

UNITED STATES DISTRICT COURT

for the  
Northern District of Texas

FILED

OCT 28 2016

CLERK, U.S. DISTRICT COURT

By Deputy

Case No. 4:16-MJ-

706

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Google email account gaelbelden@gmail.com  
stored at Google Incorporated, 1600 Amphitheater  
Parkway, Mountain View, CA 94043

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Northern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

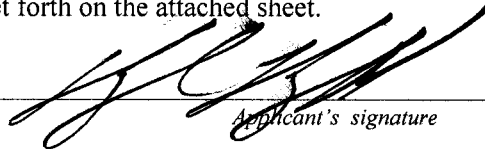
Code Section  
18 U.S.C. § 2422(b)

Offense Description  
Knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity.

The application is based on these facts:

See Affidavit in Support of Search Warrant

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Kyle L. Kuykendall, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 10-28-16

  
Judge's signature

City and state: Fort Worth, Texas

JEFFREY L. CURETON, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Special Agent, Kyle L. Kuykendall, of the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since August 2008. As an HSI Special Agent, I am authorized to investigate crimes involving the sexual exploitation of children pursuant to Title 18, United States Code, Section 2422. Section 2422 (b) makes it a federal offense to use the mail or any facility or means of interstate commerce, including by a computer, cellular phone, or email account, or within the special maritime and territorial jurisdiction of the United States, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

2. As a federal agent, I am authorized to investigate violations of the law of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being made in support of an application for a search warrant for information associated with certain accounts, listed in Attachment A, that are stored at the premises owned, maintained, controlled, and/or operated by Google Inc., 1600 Amphitheatre Parkway, California, 94043 for the items specified in Attachment B hereto.

4. The purpose of this application is to seize evidence, more particularly described in Attachment B, of violations of 18 U.S.C. § 2422(b), which makes it a crime to use a means of interstate commerce, that is an Internet e-mail account, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

5. In summary, the following affidavit sets forth facts that establish that Google, Inc. email account **gaelbelden@gmail.com** was used to exchange sexually explicit communication, whereby the account holder attempted to persuade, induce, entice, or coerce an individual he believed to be under the age of 18 years old to engage in sexual activity for which a person can be charged with an offense.

### **DEFINITIONS**

6. The following definitions apply to this Affidavit and Attachment B to this Affidavit:

7. "Sexually explicit conduct" means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. *See* 18 U.S.C. § 2256(2).

8. "Electronic Mail," commonly referred to as e-mail (or email), is a method of exchanging digital messages from an author to one or more recipients. Modern email operates across the Internet or other computer networks. Email systems are based on a

store-and-forward model: email servers accept, forward, deliver, and store messages. Neither the users nor their computers are required to be online simultaneously; they need only connect briefly, typically to an email server, for as long as it takes to send or receive messages. An Internet email message generally consists of three components, the message envelope, the message header, and the message body, but may include a fourth component, an attachment. Email attachments can include any type of digital file. There are numerous methods of obtaining an email account; some of these include email accounts issued by an employer or school. One of the most common methods of obtaining an email account is through a free web-based email provider such as, MSN, Yahoo, or Gmail. Anyone that has access to the Internet can generally obtain a free web-based email account.

9. The terms "records," "documents," and "materials," as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers,

or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

### **BACKGROUND OF INVESTIGATION**

10. On March 14, 2016, an advertisement was posted to an Internet message board website servicing the Dallas - Fort Worth, Texas area. The title of the advertisement read, "looking to make love, no condom – m4w (dfw)" The advertisement appeared in a section of the Internet message board that is commonly used to solicit sexual activity, and the term "m4w" refers to a man for woman encounter.

The content of the advertisement was as follows

"first off, ZERO MEN. would like it to be a regular thing if you want. safe clean ddf bbc here. will come and shoot massive loads of cum deep in your pussy or ass any time you want! or can pull out and cum elsewhere just let me know. also love giving and receiving oral and will work to satisfy you.all i ask is that you change the subject to creampie so i know your real".

Also included in the advertisement was an image of an erect, post-pubescent penis.

11. Based on my prior investigative experience, I know this particular message board has been used in the past by adults to solicit sex from minors within the Northern District of Texas. I am also aware that the operators of the Internet message board website expressly prohibit any advertisements soliciting sexual activity from minors.

12. On March 14, 2016, an undercover detective (UC) with Fort Worth Police Department, Crimes Against Children Unit, e-mailed the individual who posted the advertisement titled, "looking to make love, no condom – m4w." In the initial e-mail the UC stated, "saw ur add on cl...im prolly to yong for u but i thought i wld give u props on

ur add". Approximately five hours and twenty minutes after his initial e-mail, the UC received a reply from the individual who posted the message board advertisement (hereinafter referred to as "the message board poster") asking for the UC's age and a photograph.

13. On March 15, 2016, the UC responded by claiming she was 13 years old and asked if that was too young. The message board poster responded to the UC's purported age with, "No, that's fine. I wouldnt cum inside you though. Do you have any pics?" The UC and message board poster then exchanged several e-mails. During the e-mail conversation, the message board poster sent two photographs clearly depicting his face.

14. On March 15, 2016, at 12:51 P.M., the UC provided the message board poster with a phone number, where they could communicate via text messaging. Approximately five minutes later, the UC received a text message from the message board poster. The displayed phone number for the message board poster was 817-618-[redacted]. During the ensuing text message conversation, the message board poster asked if the UC had "been with anyone before", and the UC claimed to have engaged in oral sex with her boyfriend. The UC and message board poster also discussed when the message board poster could meet, and the UC claimed she had to wait until her mother was not around.

15. In the same text message conversation, the message board poster asked where the UC lived. The UC claimed that she lived with her mother at the "stay america" motel, which was located by the Fort Worth Zoo "off university and 30 the freeway(.)"

The UC was referring to the Extended Stay America motel located at 1601 River Run, in Fort Worth, Texas, which is located near the intersection of South University Drive and Interstate Highway 30. Shortly after telling the message board poster the motel's location, the message board poster and the UC agreed to meet later that day.

16. When the UC asked the message board poster what he wanted to do when he arrived at the motel, the message board poster responded, "Well i wont have much time but maybe cuddle and kiss? Feel each other." The UC asked if that was all, and the message board poster replied, "Well im open to doing everything but that's probably all ill have time for."

17. The UC then asked the message board poster to clarify what he meant by "everything", to which the message board poster responded, "Making out, cuddling, oral, and sex(.)" The UC asked to confirm that the message board poster did not intend to use a condom during intercourse, and the message board poster replied, "Is that ok?" The sexual activity described to the UC would be a violation of Texas Penal Code § 22.011(a)(2).

18. On the afternoon of March 15, 2016, the message board poster travelled from Southlake, Texas to the vicinity of the Extended Stay America motel, at 1601 River Run, in Fort Worth, Texas, which is located within the Northern District of Texas. Upon his arrival, the UC provided the message board poster with the room number "223". The message board poster then remained inside his vehicle, which was parked nearby in a location where he could see the exterior door for room number 223. The message board poster asked the UC to open the motel room door. After a brief text message exchange, a

female officer with the Fort Worth Police Department briefly opened the door and showed her face. The message board poster indicated that he saw the female officer and then identified his vehicle as a “mustang”.

20. Shortly thereafter, the message board poster, who was driving a Ford Mustang, parked the vehicle in front of the motel, and then got out and walked to the door for room 223. After officers observed the message board poster approach the door, Fort Worth Police Detective Domingo Martinez stepped into the passageway leading to room 223 and identified himself as a police officer. After recognizing Detective Martinez as a law enforcement officer, the message board poster then turned and ran from the hotel. After a short foot pursuit, the message board poster ran into a structural column and fell to the ground, where Fort Worth police officers apprehended the message board poster and placed him under arrest for violations of Texas law.

21. Upon his arrest Fort Worth police officers identified the message board poster as Preston Anthony King of Burleson, Texas. At the time of his arrest, police officers located a Samsung cellular phone on or about King’s person. After placing King in handcuffs, officers escorted him into a nearby motel room.

22. At approximately 4: 52 P.M., Fort Worth Police Detective Randy Watkins advised King of his *Miranda rights*. King claimed to understand his rights and voluntarily waived them for the purpose of answering Detective Watkins’ questions. King admitted to posting the advertisement on the Internet message board and confirmed that he was the individual who had been conversing with the UC. King also acknowledged he was there to meet someone who he believed was 13 years old.



Detective Watkins asked if King's intent was to engage in sexual intercourse, to which King replied that engaging in sexual intercourse was the purpose of the advertisement; however, King claimed sexual intercourse was not necessarily his intent for the meeting on March 15th.

23. During the interview King identified his e-mail address as **gaebelden@gmail.com**. King acknowledged that the name in the e-mail was fictitious and was not obviously attributable to him. King claimed he used that e-mail address to communicate with the UC and that it was accessible from his cellular phone.

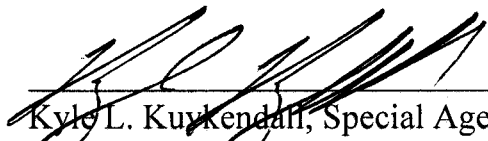
24. Subsequent to King's arrest, investigators learned the phone number used by King to text the UC, 816-618-[redacted] was operated by the communication company, Pinger, Inc. of San Jose, California. Investigators served a subpoena on Pinger, Inc., which resulted in information identifying the subscriber as gaelbelden with the e-mail address **gaebelden@gmail.com**.

25. I am aware that Internet based email accounts, such as those offered by Google, Inc., allow users to keep and store e-mail messages for an indefinite period of time.

### **CONCLUSION**

32. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of such criminal offenses may be located at the location described in Attachment A, in violation of 18 U.S.C. § 2422(b).

33. I, therefore, respectfully request that the attached warrant be issued authorizing the search and seizure of the items listed in Attachment B.

  
\_\_\_\_\_  
Kyle L. Kuykendall, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on this 28<sup>th</sup> day of October, 2016 at 2:42 p.m., in Fort Worth, Texas.

  
\_\_\_\_\_  
JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A  
PROPERTY TO BE SEARCHED**

This warrant applies to information associated with the Google email account **gaelbelden@gmail.com**, which is stored at premises owned, maintained, controlled or operated by Google Incorporated, headquartered at 1600 Amphitheater Parkway, Mountain View, CA 94043.

**ATTACHMENT B**  
**DESCRIPTION OF ITEMS TO SEIZED AND SEARCHED**

In order to ensure that agents search only those computer accounts and/or computer files described herein, this search warrant seeks authorization to permit employees of Google Inc., to assist agents in the execution of this warrant. To further ensure that agents executing this warrant search only those accounts and/or computer files described below, the following procedures have been implemented:

1. The warrant will be presented to Google Inc. personnel by law enforcement agents. Google Inc., personnel will be directed to isolate those accounts and files described below;
2. In order to minimize any disruption of computer service to innocent third parties, the system administrator will create an exact duplicate of the accounts and files described in Attachment A, including an exact duplicate of all information stored in the computer accounts and/or files described below;
3. Google Inc., system administrator will provide the exact duplicate of the accounts and files described below and all information stored in those accounts and/or files to the Special Agent who serves this search warrant;
4. Law enforcement personnel will thereafter review the information stored in the accounts and files received from the system administrator and then identify and copy the information contained in those accounts and files which are authorized to be further copied by this search warrant;

5. Law enforcement personnel will then seal the original duplicate of the accounts and files received from the system administrator and will not further review the original duplicate absent an order of the Court.

**I. Information to be disclosed by Google Inc.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Google Inc. Google Inc. is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all e-mails stored in the account, including copies of e-mails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All content in the Docs, Calendar, Friend Contacts and Photos areas;
- e. Any and all Google IDs listed on the subscriber's Friends list;

f. All records pertaining to communications between Google Inc., and any person regarding the account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All records or information, including the contents of any and all wire and electronic communications, attachments, stored files, print outs, and header information that contain evidence, fruits, and instrumentalities of violations of Title 18 U.S.C. §§ 1470 [Attempted transfer of obscene material to a minor] and 18 U.S.C. §§ 2422(b) and [Attempted coercion and enticement], including, but not limited to, for each account or identifier listed on Attachment A, information pertaining to:

- a. The receipt, possession, or distribution of email communication, photos, or visual depictions of minors, to include image and video files and communications sent during King's contact with the undercover agent, which may reside in the account's contents. Furthermore, the receipt, possession, or distribution of personal identifying information and financial account numbers, including, but not limited to credit card verification values (CVV) and victim names, addresses, dates of birth, and financial account numbers.
- b. The contents of any such communications that will assist investigators in ascertaining the nature and scope of the crimes under investigation, the true identity and or location of the subjects and their co-conspirators, the names, addresses, and locations of victims, and any disposition of the proceeds of the crimes under investigation, including,

- c. Records relating to who created, used, or communicated with the account or identifier.

Google shall disclose responsive data, if any, by sending to the recipient below using the US Postal Service or another courier service, notwithstanding 18 U.S.C.

§§ 2252, 2252A or similar statute or code.